

HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 786(S/S)2004

Dharamvir Singh S/o Sri R. V. Singh,
R/o Mahavir Dham 76, Suman Puri,
Rajpur Road, Adhoiwala,
District Dehradun.

....Petitioner.

Vs.

State of Uttaranchal through, Secretary,
Rural Engineering Service,
Uttaranchal, Dehradun.
And another.

....Respondents.

Sri M.C. Pant, learned counsel for the petitioner,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri M.C. Pant, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition the petitioners has prayed for a writ, order or direction in the nature of certiorari quashing the order 10.06.2004 passed by Superintending Engineer, Rural Engineering Service, Garhwal Region, Pauri whereby the petitioner, who is Junior Engineer in Rural Engineering Service' was transferred from Dehradun to Pauri.

The petitioner has challenged the said transfer order on three grounds. Firstly that he has opted for State of U.P. prior to the creation of the State of Uttaranchal in pursuance to the Govt. direction he should not has been transferred, instead of he should have been of the relieved to State of U.P. But under the proviso of Section 75 of the Reorganisation Act, the State of Uttaranchal has jurisdiction to transfer any employee who is working in the State and, as such, I find no force in the submissions made by learned counsel for the petitioner.

The Second ground taken by the petitioner is that the transfer order is against the transfer policy framed by the Government. Learned counsel for the petitioner could not show any clause of the transfer policy, which has been violated by issuance of said transfer order.

The third ground, which has been taken by the petitioner is that, the petitioner is suffering from hypertention and he has referred the certificate issued by one doctor on 19.10.200. In which it is stated that

the petitioner is suffering from hypertention. The certificate is of the year 2000.

In these circumstances, I find no ground to interfere with the transfer order.

Counsel for the petitioner has submitted that he has made representation to the Superintending Engineer on 11.06.2004, which is annexure A-10 to the writ petition and prayed that the respondent may be directed to decide his representation.

Keeping in view the aforesaid facts, the Superintending Engineer Rural Engineering Service, Garhwal Region, Pauri shall consider the case of the petitioner sympathetically and shall take decision on the representation of the petitioner within three weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 19, 2004:
NCM: